

1 THE HONORABLE RICARDO S. MARTINEZ

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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 UThERVERSE GAMING LLC,

12 Plaintiff,

13 v.

14 EPIC GAMES, INC.,

15 Defendant.

Case No. 2:21-cv-00799-RSM

**JOINT PROPOSED NEUTRAL
STATEMENT OF THE CASE**

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17 Plaintiff Utherverse Gaming, LLC (“Utherverse Gaming”) and Defendant Epic Games,
18 Inc. (“Epic Games”) submit the following proposed neutral statement of the case in accordance
19 with the Court’s Order Setting Trial Date and Related Dates. ECF No. 433.
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1 **NEUTRAL STATEMENT**

2 Plaintiff Utherverse Gaming, LLC (“Utherverse Gaming”) brings this patent infringement
3 action against Defendant Epic Games, Inc. (“Epic Games”). Utherverse Gaming owns a patent
4 directed to methods of recording and playing back an experience in a virtual worlds system.
5 Utherverse Gaming alleges that Epic Games infringed claims 2, 5, and 8 of this patent when it
6 created and implemented certain virtual events in Epic Games’ multiplayer online video game
7 Fortnite, namely, two animated events featuring music artists Ariana Grande and Travis Scott.
8 Utherverse Gaming seeks damages adequate to compensate for Epic Games’ allegedly infringing
9 activities, together with interest and costs. Utherverse Gaming has the burden to prove its claims
10 by a preponderance of the evidence.

11 Epic Games asserts that its events do not infringe Utherverse Gaming’s patent and denies
12 that Utherverse Gaming is entitled to damages. Epic Games further asserts that claims 2, 5, and 8
13 of Utherverse Gaming’s patent are invalid. Invalidity is a defense to infringement. A patent may
14 be invalid for several reasons, including because it claims subject matter that is not new or is
15 obvious. Epic Games has the burden to prove invalidity by clear and convincing evidence.

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3 Dated: April 21, 2025
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Respectfully Submitted,

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